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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,947	Applicant(s) DUARTE ET AL.	
	Examiner Tadesse Hailu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-19,22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Amendment filed on August 1, 2006 for the above identified application number.
2. The pending claims 1-19, 22, and 24-27 are examined hereby as follows:

Response to Arguments

3. Applicant's arguments filed August 1, 2006 have been fully considered but they are not persuasive. The applicant argues, "Becker in view of Widger does not teach or suggest all of the features of the claims. More specifically, Becker in view of Widger does not teach or suggest indicating a number of messages received in IM session in a respective indicator in a single IM session window." In contrast to the applicant's argument Widger discloses not only the number of messages a recipient (via recipient indicator) sent to a current user but also the type of messages received, i.e., voice mail, fax mail and email. For example, as illustrated in Figs. 4 through 6, #404, the message notification portion includes voice mail, fax mail, and email icons, and wherein each icon is depicting or numerically indicating the associated number of messages received (Widger, Par. 38). Thus, Becker in view of Widger does teach indicating a number of messages received (e.g., see the number of messages received icon indicators for voice, fax and email in the message notification 404) in IM session (e.g., a session with the selected IM participant, Aaron Naselow, fig. 6) in a respective indicator (i.e., messages

indicators in 404) in a single IM session window (e.g., message screen window 601).

The applicant further states that Widger describes indicating the total number of messages (e.g., phone or email messages) received. However, the applicant argues, “Widger does not describe, through, indicating the number of messages received per session, or even the number of messages received per contact.” In contrast to the applicant’s argument, Widger illustrates, in the messaging screen window 601, IM session between the current user, John. O. Pubic and another selected IM user, Aaron Naselow, in addition the screen also indicates the number of messages John. O. Pubic received in one or more of the plurality IM sessions as recited in the claim, the number of messages received should not necessary reflect the number of messages received per contact as argued by the applicant, the message received could reflect in one or more of the plurality IM sessions as claimed.

Having fully addressed the applicant’s arguments the rejection still stands.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 22, 24 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following claimed subject matter was not found in the Specification, "wherein each IM session in the plurality of IM sessions is with a different contact than the contacts of the other IM sessions in the plurality of IM sessions". The closest reading the examiner found in the specification reads as follows:

"FIG. 3 illustrates one embodiment of an IM session window 300. The IM session window includes a conversation window. The conversation window 302 shows the messages that have been sent and received by the user, in the order that they were sent or received by the user. The IM session window 300 also includes multiple indicators 310, 312, 314, 316. Each of the indicators 310, 312, 314, 316 corresponds to a different IM session. As shown in FIG. 3, the user is involved in four, concurrent IM sessions. One of the concurrent IM sessions, i.e. IM session 3, is shown in the conversation window 302. IM session 3 also corresponds with indicator 316 and field 332 shows the IM session 3 is between the user and an second IM session participant "Ficus^ 7".

The above section of the specification cites that "Each of the indicators 310, 312, 314, 316 corresponds to a different IM session", but each of said different IM session is not necessary with a different contact than the contacts of the other IM sessions as recited in the claim because each of said different IM session could be the same contact or participant with the contacts of the other IM sessions. For example, the same individual participant or contact may try to reach (send messages) the current user by evolving in a different session or

forum. Thus, since the claims contain subject matter which was not described in the specification, the applicant has to amend or cancel the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-11, 14-17, and 22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Widger et al (US Pub No. 2005/0117733).

The invention is related to a system and method of displaying multiple pending notifications in a single window. Likewise, Becker et al ("Becker") is also related to a method, apparatus and computer readable medium for multiple messaging session management with a graphical user interface; and subsequently, Similarly, Widger is also directed to a method for providing information to a user (or initiator) regarding availability of an intended recipient (or participant) for engaging in a communication session. Thus, Becker in view of Widger renders the claimed invention obvious.

With regard to claim 1:

Becker discloses a method of displaying a plurality of concurrent IM sessions (e.g., Figs. 1, and 3-8).

As per “providing” step, as illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses a variable number of session tabs (plurality of IM sessions) 110, 111, 112, 113, 114 (see also [0038]). Unlike the current alleged claimed subject matter (see U.S.C.112 rejection above), Becker further discloses that each IM session in the plurality of IM sessions is with a different contacts or participants (e.g., ANNE, BOB, CARL DEB, and GAIL) of the other IM sessions in the plurality of IM sessions.

As per “displaying” step, as illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses displaying a session between session tab 110, that is, ANNE which is also a first one of the plurality of IM sessions in a message history panel 120 (IM session window) (see also [0039-0040]).

As per “representing” step, as illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses representing each one of the plurality of IM sessions, that is, 110, 111, 112, 113 and 114 with a unique identifier tab or indicators, that is, ANNE, BOB, CARL DEB and GAIL respectively (see also [0040]).

As per “receiving” step, Becker also describes receiving at least one unread and recently received message in one or more of the plurality of IM

sessions (i.e., ANNE, BOB, CARL DEB and GAIL) (see Paragraphs 41, 88 or 89).

Although Becker describes and illustrates that a user (initiator) receiving at least one unread message, but Becker does not clearly describe or illustrate how many messages the user received from any one of the recipient (or tab session), or to put it in the claimed language, "Indicating the number of messages received in one or more of the plurality of IM sessions in the respective indicators in the single IM session window which corresponds to the one or more of the plurality of IM sessions in response to receiving the plurality of messages" is not described in Becker. However, Widger discloses not only the number of messages a recipient (recipient indicator) sent to a user but also the type of messages received, i.e., voice mail, fax mail and email. For example, as illustrated in Figs. 4 through 6, #404, the message notification portion includes voice mail, fax mail, and email icons, and wherein each depicting or numerically indicating the associated number of messages received (Widger, Par. 38).

Becker and Widger are analogous art because they are from the same field of endeavor, multiple messaging sessions.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Widger's Message Notification (#404) with Becker session window messaging.

The suggestion / motivation for doing so would have been to provides desktop management and control of incoming calls and messages a real time message notification. It is also important to notify the user that what type and how many messages the user received (Widger, Par. 36).

Therefore, it would have been obvious to combine Becker and Widger to obtain the invention as specified in claim 1.

With regard to claim 2:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger discloses that the user (initiator) selects one of the individual (recipient), such as ANNE, from a number of messaging sessions (110-114) to initiate an instant messaging session (Becker, [0041]).

With regard to claim 3:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger further discloses representing each one the non-engaged messaging sessions 111-114 (non-displayed ones) of the plurality of IM sessions as a corresponding one of the plurality indicators (BOB, CARL, DEB and GAIL) in the graphical user interface window or IM session window (Becker, [0041]).

With regard to claim 4:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger further discloses a received message identified by the sender identifier (second symbol). For example as shown in a message history

panel 120, ANNE, is a unique identifier thereby indicating her message is received by the message history panel 120 (Becker, [0054]).

With regard to claim 5:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger further discloses a sent message identified by the sender identifier (third symbol). For example as shown in a message history panel 120, YOU SAY (or Zak), is a unique identifier, thereby indicating his/her outgoing message or sent message to ANNE as shown in the message history panel 120 (Becker, [0054]).

With regard to claim 6:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger further discloses that Zak is receiving a message from the selected identifier or session tab, i.e., ANNE as indicated in the message history panel 120 (see also [0053-0054]). Becker in view of Widger also describes configuring or updating the number of messages received, that is adding or subtracting the message received in each of the recipient indicators (Widger, pars. 29, 34, 38, Fig.9, #908, configuring the number of saved notification).

With regard to claim 7:

Becker in view of Widger further discloses that indicating the number of messages comprises displaying a number of first symbols within each of the indicators corresponding to the number of message. For example, as

illustrated in Fig. 5A, recipient indicator Janak when clicked shows the type and number of messages sent to the user John (Widger, Par. 38, Fig. 6, #404).

With regard to claim 9:

As illustrated, for example, in the graphical user interface of Fig. 3, Becker in view of Widger further discloses displaying another message (second message) by selecting identifier, DEB 113, wherein DEB is one of the plurality of IM sessions that was not-engaged (not displayed) in conversation (Becker, [0063]).

With regard to claim 10:

As illustrated, for example, in the graphical user interface of Figs. 1 or 3, Becker in view of Widger further discloses representing the first one of the plurality of IM sessions (110 through 114) with a corresponding one of the plurality indicators (ANNE through GAIL) in the graphical user interface (IM session window) (Becker, [0063]).

With regard to claim 11:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Widger further discloses representing the first one, which is, ANNE 110, of the plurality of IM sessions (110 through 114) as a corresponding one of the plurality indicators (ANNE through GAIL) in the graphical user interface window (IM session window).

With regard to claim 14:

As illustrated, for example, in the graphical user interface of Fig. 3, Becker in view of Widger further discloses displaying another message (second message) by selecting the identifier, DEB 113 that corresponds to the second one of the plurality of IM sessions (sessions 110 through 114) (s Becker, [0063]).

With regard to claim 15:

Becker in view of Widger discloses filtering, sorting, that is ranking (or prioritizing) each one of the pluralities of session pals or indicators, such as ANNE through GAIL according to the user specified criteria or field (Becker, [0044]).

With regard to claim 16:

Becker in view of Widger further discloses that the sorting or ranking (prioritizing) each one of the plurality of indicators (e.g., ANNE through GAIL) includes prioritizing each one of the plurality of indicators (ANNE through GAIL) in order of activity (e.g. online and/or offline) of the IM session that corresponds to each one of the plurality of session tab indicators. For example, the pals, ANNE through GAIL can be sorted according to user specified activities, such as pal's online and/or offline status, pal's location, pal's device presence, pal's availability and so forth (Becker, [0044]).

With regard to claim 17:

Becker in view of Widger also discloses that the activity of the IM session includes at least one of a group, such as ANNE consisting of receiving a

message from Zak in the IM session (Fig. 3); ANNE is also sending a message to Zak in the IM session (Fig. 3); and the conversation between ANNE and Zak is shown displayed in the IM session (Becker, Fig. 3).

With regard to claim 22:

Independent claim 22 is rejected for reasons similar to those given for the rejection of claim 1.

With regard to claim 24:

Independent claim 24 is a system claim corresponding to method 1, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 1.

With regard to claim 25:

Becker in view of Widger further discloses that the processor is coupled to the network via a wireless network (Becker, [0006-0007], and [0036]).

With regard to claim 26:

Becker in view of Widger further discloses that a handheld mobile user terminal or PDA, wherein the processor and the display are included in the mobile user terminal (Becker, [0036], [0048]).

With regard to claim 27:

Independent claim 27 is a machine-readable medium claim corresponding to method 1, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 1.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Widger et al (US Pub No. 2005/0117733) and further in view of Vaananen (US Pub No 20040014456.)

With regard to claims 12 and 13:

As illustrated, for example, in the graphical user interface of Figs. 1 through 8, Becker in view of Widger discloses click-able or selectable session tabs 110 through 114 (Becker). These session tabs are selectable either with a mouse/keyboard keys (see also Becker, Pars. 0061-0063). Becker in view of Widger further discloses displaying another session (Becker, e.g. session with DEB, Fig. 4) of the plurality of IM sessions (sessions 110-114) by selecting session tab DEB. But Becker in view of Widger falls short to call these selectable session tabs as hot keys. Becker in view of Widger also fails to disclose that selecting a hot key includes selecting a numbered key that corresponds to one of the plurality of sessions.

Vaananen on the other hand discloses choosing a recipient or contacts with a dedicated keyboard accelerator, hot key, dedicated key or any combinations (see [0056]). Vaananen also discloses a hot key includes a numerical key/button, (e.g., "9") associated with a recipient or associated with the sender of a message ([0079]).

Becker in view of Widger and Vaananen are analogous art because they are from same field of endeavor, i.e., message sessions. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to substitute the hot keys of Vaananen for the session tabs of Becker in view of Widger because Vaananen teaches it is simple to select a recipient or session ([0056]). Therefore, it would have been obvious to combine Vaananen with Becker in view of Widger to obtain the invention as specified in claims 12 and 13.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Widger et al (US Pub No. 2005/0117733) and further in view of Helfman et al (US Pat No 6,396,513).

With regard to claims 18 and 19:

While Becker in view of Widger discloses filtering, sorting or ranking session tabs or pal's (e.g., Becker, ANNE through GAIL) according to their activities ([0044]), but Becker in view of Widger does not disclose expressly that each of the plurality of indicators includes assigning the displayed IM session a lowest priority and/or highest priority.

Helfman discloses prioritizing and ranking of the mailboxes (session identifier), such as first (highest), second, and third (lowest). FIG. 5 illustrates six mailboxes, on the left side, and their assigned priorities, indicated by numbers (column 3, lines 56-65).

Becker in view of Widger and Helfman are analogous art because they are from same field of endeavor, i.e., electronic messaging. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to provide the sorting/ranking mechanism ([0044]) of Becker in view of Widger with prioritizing (highest or lowest). As a result of prioritizing the message box or (session tabs) user will be able to easily and quickly locate or access messages which are most important or less important in no time (column 8, lines 36-54). Therefore, it would have been obvious to combine Vaananen with Becker in view of Widger to obtain the invention as specified in claims 18 and 19.

Allowable Subject Matter

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: while Becker discloses receiving none, one or more messages in engaged and/or non-engaged sessions, but Becker fails to disclose if the number of message received exceeds a pre-defined threshold value to display a symbol in the session tab to indicate said received messages. Or in claim language Becker fails to disclose, "... upon reaching a number of messages equal to a specified threshold, displaying a second symbol to indicate that the number of messages are above the threshold."

Furthermore, while Helfman et al (6,396,513) discloses that the user may choose to be informed when the total number of unread messages exceeds a

threshold, but Helfman does not disclose displaying in an indicator box a symbol associated with the exceeded message that corresponds to the selected session.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

Conclusion

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these reference fully when responding to this action. The documents cited therein teach relevant subject matter to that of the independent claims of the current inventions.

Especially, **Cooper et al (US 6,701,330)** relates to digital data processing systems, and more particularly, to such systems using messages in concurrent applications where a common database is being accessed by multiple hosts. Cooper further describes that each one of the number of counters further comprises an indicator, each one of a number of indicators corresponding to one of the number of user sessions, each one of said number of indicators indicating that the concurrent application has received the input message from the corresponding one of the number of users and that the input message has not been processed by the concurrent application (see Abstract and claims 23 of Cooper).

Another prior art closely related to the current invention is **Leeds (US 2002/0138588)**. Leeds generally relates to distributed computing environments, and more particularly to a server-client environment involving a system and method to provide adaptive forums communication on a client computer. As illustrated in Fig. 4, Leeds illustrates as an example, forum-specific screen 400 is shown in FIG. 4. The forum-specific screen 400 has chat dialog boxes 400a, 400b, and 400c each associated with independent chat forums having separate chat sessions. A navigator bar 410 provides the user 310 with a means to interact with the server computer 60 to modify the viewing environment, select other chat forums, and control other functions. Ads 1 through 4 are used as advertisement fields (420a, 420b, 420c, and 420d, respectively). The advertisement fields may randomly or sequentially display various advertisements. Sequential changes of displayed advertisements may be controlled

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according to words and phrases entered in a chat session or according to personal information on the user 310 stored in the client database 370a and in the cookie data 304b. A button bar 430 provides the user 310 with a means to interactively select a manner of how to display data on the user's browser (par. 42). Leeds further describes, although the depicted embodiment shows three chat dialog boxes (400a, 400b, and 400c), any number of chat dialog boxes may be open concurrently. This allows a user to participate in several chat forums simultaneously. Each dialog box may be arbitrarily wide and adjustable by the user or automatically shaped to equally share the available screen space. Similarly, the number and size of the advertisement fields 420a 420d is variable. The navigator bar 410 and button bar 430 may be a number of different sizes and shapes, or even implemented by a drop down menu, function keys, or other common practices in the art (par. 43).

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

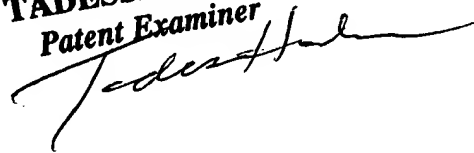
7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private -PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kincaid, Kristine, can be reached at (571) 272-4063 Art Unit 2173 and 2174.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
9/28/06

TADESSE HAILU
Patent Examiner

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', written over the printed name and title.